

Resumé (Summary)

Property Relations between Spouses

The subject of this thesis is the property relations between spouses. Property relations between spouses form an important part of private law, the base for the legal regulation of the property relations between spouses being the regulation contained in the Civil Code, namely the concept of the community property of spouses (*společné jmění manželů*). Another area playing a substantial role is the legal regulation of the common housing of spouses in the form of a common lease of a flat by spouses.

The work presented has been divided into three main chapters. Chapter One analyses the currently valid legal regulation of the community property of spouses as the statutory legal form of arrangement of the spouses' mutual property relations. Chapter One has been further split into several sub-chapters. The original sub-chapters have been devoted to the concept of the community property of spouses itself, a comparison of the community property of spouses with the preceding estate by the entirety (*bezpodílové spoluvlastnictví manželů*) regime applicable until 1998, and the creation (beginning of the existence) of the community property of spouses as such. The community property of spouses can never be created unless in relation to a matrimony.

The following sub-chapter describes the subject of the community property of spouses, namely the definition of what may be defined as the property (assets) forming part of the community property and liabilities of the community property of spouses. The sub-chapter also describes the methods of acquisition of assets or liabilities into the community property of spouses and lists those assets and liabilities that do not form parts of the community property of spouses.

The following sub-chapter concentrates on changes to the statutory scope, time of the creation, and management of the community property of spouses. Changes to the community property of spouses may be made on the basis of an agreement between the spouses and on the basis of a court decision.

The other sub-chapters have been devoted to the management of the community property of spouses and use of the property falling into the community property of spouses for business conducted by one of the spouses.

The cessation of the community property of spouses and its settlement forms the subject of the final sub-chapters.

Chapter Two of this thesis analyses the currently valid legal regulation of the common lease of a flat by spouses. Chapter Two has also been split into individual sub-chapters. The general features of a lease of a flat as such are mentioned in the introduction. The other sub-chapters focus on the creation of a right to a common lease of a flat by the spouses, relationship of the spouses to the rights and obligations arising from the common lease of a flat and cessation of a common lease of a flat by the spouses.

With respect to the fact that the Ministry of Justice of the Czech Republic has been preparing extensive re-codification of civil law and, in relation with the aforementioned, a new wording of the Civil Code, this thesis devotes a separate chapter to changes that would apply to the community property and common housing of spouses if the new Civil Code were adopted in the existing form of the Civil Bill.

In the conclusion, the thesis summarises the existing legal regulation of both the community property of spouses and common lease of a flat by spouses.

Klíčová slova (Key words)

Společné jmění manželů (Community property of spouses)

Společný nájem bytu manžely (Common lease of a flat by spouses)

Majetkové vztahy (Property relations)